

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAR 26 2007

CHRISTY CONKLE,)
Plaintiff,)
vs.)
MICHAEL J. ASTRUE,)
Commissioner of the Social Security)
Administration,¹)
Defendant.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

No. CIV-06-786-W

ORDER

On February 9, 2007, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this case and recommended that the decision of defendant Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the plaintiff's Application for Disability Insurance Benefits be affirmed. Plaintiff Christy Conkle was advised of her right to object to the Report and Recommendation, and the matter now comes before the Court on Conkle's timely-filed Objection.

Upon de novo review of the record, including Conkle's testimony regarding her employment at Unit Parts Company, her earnings, and the reason for her discharge from that company, the Court finds neither the figures recited by Conkle nor the exception upon which she has relied, 20 C.F.R. § 404.1574(c)(3), warrants the relief she has requested. The Commissioner based his decision on substantial evidence, and he applied the correct legal standards.

¹On February 1, 2007, Michael J. Astrue became Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., he is hereby substituted as defendant in this action.

Accordingly, the Court concurs with Magistrate Judge Roberts' suggested disposition of this matter and

- (1) ADOPTS the Report and Recommendation issued on February 9, 2007;
- (2) AFFIRMS the Commissioner's decision to deny Conkle's Application for Disability Insurance Benefits; and
- (3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 26th day of March, 2007.



LEE R. WEST
UNITED STATES DISTRICT JUDGE